

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: VOLKSWAGEN “CLEAN
DIESEL” MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

This Document Relates To:

ALL CONSUMER AND RESELLER
ACTIONS

MDL No. 2672 CRB (JSC)

**ORDER ESTABLISHING SCHEDULE
FOR INTENSIVE SETTLEMENT
PROCESS**

The Honorable Charles R. Breyer

1 Presently before the Court are approximately 600 actions brought by consumer and
 2 reseller plaintiffs who chose to opt out of the previously approved Consumer and Reseller
 3 Dealership Class Action Settlements. Many but not all of those actions are subject to pending
 4 motions to remand. The Court has determined that it makes sense at this juncture for the relevant
 5 parties to participate in settlement efforts, and therefore establishes the settlement process
 6 described below.

7 All parties in each of the individual consumer and reseller opt-out cases shall be required
 8 to participate in the process as ordered herein. The participants shall use their best efforts and
 9 participate in good faith to resolve the cases during this process, as follows:

10 **I. First Stage: Formal Demands**

11 On or before **February 12, 2018**, individual counsel for plaintiffs in each opt-out case
 12 shall submit a formal settlement demand to counsel for Volkswagen and any other relevant
 13 defendants. Each demand must be in writing and must include the basis for the amount sought.
 14 Individual plaintiffs' counsel shall confer with their clients for purposes of formulating the
 15 demands. The demands shall not be filed with the Court.

16 Upon receiving each demand, counsel for Volkswagen and any other relevant defendants
 17 shall meet and confer with individual plaintiffs' counsel in an effort to resolve the cases.

18 **II. Second Stage: Informal Settlement Conference**

19 For cases that are not resolved during the first stage of the settlement process, the Court
 20 will hold an informal settlement conference on **March 21, 2018 at 9:00 a.m.** in Courtroom No. 6,
 21 17th Floor, 450 Golden Gate Avenue, San Francisco, California. Attendance at the settlement
 22 conference is required by individual plaintiffs' counsel, a representative of the PSC, and counsel
 23 for Volkswagen and any other relevant defendants. The settlement conference will be followed
 24 immediately by individualized, informal, and confidential settlement conferences for each case at
 25 location(s) to be determined.

26 Counsel for each plaintiff shall be present in-person and must have full authority from
 27 their clients, who shall be readily available by telephone. Counsel for Volkswagen and any other
 28 relevant defendants shall also be present in person and must have full authority to resolve each

1 plaintiff's case. Volkswagen and other defendants' representatives shall also be readily available
2 by telephone if circumstances for a particular settlement conference require assistance.

3 **III. Third Stage: Formal Settlement Conference**

4 Each case that does not resolve during the informal settlement conference shall be set for a
5 formal settlement conference before Magistrate Judge Jacqueline S. Corley on a date to be set by
6 her and continuing through completion. Counsel for Volkswagen and the PSC shall schedule the
7 settlement conferences—subject to meeting and conferring with Magistrate Judge Corley,
8 individual plaintiffs' counsel, and other necessary defendants' counsel—for mutually convenient
9 times, locations, and dates on a recurring basis. For each settlement conference, the parties
10 themselves must appear and participate.

11 For the formal settlement conference process, counsel for the attendees shall each submit
12 confidential statements solely to Magistrate Judge Corley on a date to be determined by her.
13 Magistrate Judge Corley shall determine the length of the confidential settlement conference
14 statements and the permissible number of exhibits attached thereto. As part of this streamlined
15 settlement conference process, the attendees may request to make opening presentations, but there
16 shall be no live witness testimony or other presentations.

17 Cases that are not resolved during this process shall be placed on an active calendar and/or
18 remanded back to their originating court for trial under the appropriate Rules of Court, after a
19 proper motion has been made and a decision rendered.

20 **IV. Stay of Proceedings**

21 During the entirety of this settlement process, all pretrial, discovery and related activity
22 shall be stayed for the cases subject to this Order, including decisions on any motions to remand
23 or entry of case management orders for a particular case, unless and until Magistrate Judge
24 Corley certifies that the parties for a specific case have complied with the requirements of this
25 Order and this Court determines the stay should be lifted.

26 The settlement process described in this Order is subject to amendment on good cause
27 shown, if necessary, to address exigent circumstances in a particular case.
28

IT IS SO ORDERED.

Dated: January 24, 2018



CHARLES R. BREYER
United States District Judge